

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No.: 3:13-cr-00053-HDM-WGC
)	
vs.)	
)	MINUTES OF COURT
LESTER ROGER DECKER,)	
)	
Defendant.)	December 17, 2013
	/	

PROCEEDINGS: JURY TRIAL - DAY TWO

PRESENT:

THE HONORABLE HOWARD D. McKIBBEN, SENIOR U.S. DISTRICT JUDGE

Deputy Clerk: Paris Rich Reporter: Kathryn French

Counsel for Plaintiff: Daniel Schiess, AUSA and Michael Large, AUSA

Counsel for Defendant: John Neil Stephenson, Esq. and Karena Dunn, Esq.

At 8:37 a.m., the Court convenes.

The Defendant (In Custody and dressed in street attire) is present with counsel.

The Government is present with David Elkington, Special Agent, Federal Bureau of Investigation and Computer Technician Liz Pantner.

The Court addresses [99] Motion to Reconsider Order Suppressing Evidence and recites findings. **IT IS ORDERED, [99] Motion is DENIED.**

At 8:50 a.m., the jury enters the courtroom.

The 14 jurors are empaneled and sworn.

The Court recites preliminary statements to the jury and advises the jury as to the trial progression.

Mr. Schiess presents opening statements on behalf of the Government.

Mr. Stephenson presents opening statements on behalf of the Defendant.

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MARY DANN, called on behalf of the Government, is sworn, examined on direct by Mr. Large, cross-examined by Mr. Stephenson, examined on redirect by Mr. Large, examined on re-cross by Mr. Stephenson, (sidebar 9:45 a.m. to 9:47 a.m.), examined by Ms. Dunn (voir dire), further examined on redirect by Mr. Large, further re-cross examined by Mr. Stephenson, and excused.

At 9:54 a.m., the jury is excused. The Court stands at recess.

At 10:11 a.m., the Court reconvenes outside the presence of the jury with all parties present.

At 10:12 a.m., the jury enters the courtroom.

The Court addresses Jury Note #1 and advises the jury as to the rule regarding reserving on discussion of the case.

The Court recites a general explanation on stipulations. Mr. Schiess recites the parties' Stipulated Facts and Evidence.

IT IS ORDERED, the Government's Exhibit 19 is received into evidence.

BLANCHE OPPENHEIN, called on behalf of the Government, is sworn, examined on direct by Mr. Schiess, examined by Ms. Dunn (voir dire), further examined on direct by Mr. Schiess, and released subject to recall.

IT IS ORDERED, the Government's Exhibits 1 and 15 are received into evidence.

At 11:57 a.m., the jury is admonished and excused.

At 1:15 p.m., the Court reconvenes outside the presence of the jury with all parties present.

Counsel meet and confer regarding duplicate pages to the Government's Exhibit 15. The Court directs that corrections to the Government's Exhibit 15 will be addressed at the recess.

At 1:20 p.m., the jury enters the courtroom.

BLANCHE OPPENHEIN, resumes the witness stand, is further examined on direct by Mr. Schiess, examined by Ms. Dunn (for clarification of time line), further examined on direct by Mr. Schiess, cross-examined by Ms. Dunn, examined on redirect by Mr. Schiess, and released subject to recall.

IT IS ORDERED, the Government's Exhibits 6, 7, 8, 9, and 11 are received into evidence.

At 2:52 p.m., the jury is admonished and excused.

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Outside the presence of the jury, the Court and counsel discuss the remaining trial schedule.

At 3:00 p.m., the Court stands at recess.

At 3:17 p.m., the Court reconvenes outside the presence of the jury.

Pursuant to the parties' stipulation, the agreed tabbed two pages of the Government's Exhibit 15 shall be removed by the Clerk, as they are duplicate copies. Further, an additional (black and white) page is inserted as the last page of the Government's Exhibit 15. **IT IS SO ORDERED.**

At 3:19 p.m., the jury enters the courtroom.

BLANCHE OPPENHEIN, resumes the witness stand, is further examined on redirect by Mr. Schiess, examined on re-cross by Ms. Dunn, examined on direct by Ms. Dunn as to the Government's Exhibit 10, further examined on re-cross by Ms. Dunn, cross-examined by Mr. Schiess as to the Government's Exhibit 10, examined by the Court, and excused.

IT IS ORDERED, the Government's Exhibit 10 is received into evidence.

IT IS ORDERED, pursuant to the parties' stipulation, Mary Dann is excused and released from subpoena. IT IS FURTHER ORDERED, the Court shall be provided 24 hours notice if Witness Blanche Oppenheim is requested to return for testimony.

RUSTY HICKS, called on behalf of the Government, is sworn, examined on direct by Mr. Large, cross-examined by Mr. Stephenson, and excused.

RICHARD C. KOHR, called on behalf of the Government, is sworn, examined on direct by Mr. Large, cross-examined by Ms. Dunn, examined on redirect by Mr. Large, and excused.

IT IS ORDERED, the Government's Exhibits 2, 3, 4, 27, and 28 are received into evidence.

VICKIE MARIE HINTON, called on behalf of the Government, is sworn, examined on direct by Mr. Schiess, and released subject to recall.

At 4:56 p.m., the jury is admonished and excused until Wednesday, December 18, 2013 at 8:30 a.m.

Outside the presence of the jury, the Court receives, and provides to counsel, a copy of Jury Note #2.

The Court and counsel confer regarding the remaining witnesses and trial schedule.

Ms. Dunn confirms the Defense will be re-calling Blanche Oppenheim. The Court directs Ms. Oppenheim shall be present for testimony on Wednesday, December 18, 2013 at 1:30 p.m.

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The Court addresses specific language contained in [1] Indictment. The Court and counsel confer. The Court directs counsel shall submit their proposed jury verdicts on Wednesday, December 18, 2013.

IT IS ORDERED, Jury Trial (Day Three) is set for Wednesday, December 18, 2013 at 8:30 a.m. in Reno Courtroom 4 before Judge Howard D. McKibben. IT IS SO ORDERED.

The Defendant is remanded to custody.

At 5:07 p.m., the Court adjourns.

LANCE S. WILSON, CLERK

By: /s/ Paris Rich
Deputy Clerk